

#### **REMARKS**

Applicant respectfully requests reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks.

Claims 1-20 are pending in the application, with claims 1 and 11 being independent. Claims 1 and 11 are currently amended. The original disclosure supports the amendments. No new matter has been added.

#### **Specification Objections**

Applicant has amended the specification to address the informalities noted in the Office Action. No new matter has been added. Accordingly, Applicant respectfully requests withdrawal of the specification objection.

#### **Claim Objections**

Claims 11-20 are objected to under 37 CFR 1.75(d) as being improper for purportedly failing to provide clear support and antecedent basis in the description for the term "computer readable medium" so that the meaning of the term in the claims may be ascertainable by reference to the description. Applicant has amended the specification to address the foregoing. No new matter has been added. Accordingly, Applicant respectfully requests withdrawal of the claim objections.

### Cited Documents

The following documents have been applied to reject one or more claims of the Application:

- Bethards: Bethards et al, U.S. Patent Application 2003/0125062
- Szeto: Szeto et al., U.S. Patent Application No. 5,497,498
- Thomas: Thomas et al, EP Application No. 1 241 890

### §102(e) Rejection

**Claims 1 and 11** stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Bethards. Applicant respectfully traverses the rejection.

As amended, independent **claim 1** recites:

A method for allowing instant messaging between *a multi-user computer* and an instant messaging device, comprising the steps of:  
receiving first login information from a first user of *the multi-user computer* by an instant messaging system;  
receiving second login information from a second user of *the multi-user computer* by the instant messaging system *while the first user is logged in*; and  
*providing a shared use indication, wherein the shared use indication indicates a lack of privacy to the instant messaging device since the first user and the second user are concurrently logged into the instant message system together through the multi-user computer.* (Emphasis added.)

Bethards describes a method and apparatus for providing status information associated with a plurality of users of real-time communication service using a plurality of logon identifiers associated with a first subscriber. (Abstract). Since a household (e.g. a family, roommates, etc.) with multiple users may share a single Internet subscription, (i.e., the multiple users may access real-time communication services as a single subscriber with all of the users identified as a single subscriber) the plurality of logon identifiers are capable of distinguishing a

particular user from another using the same subscription. ([0004]). In other words, a household with multiple users may share a single subscriber account but each user may have a distinct login identifier to access instant messaging service. ([0018]). However, multiple users sharing a single subscriber account is not the same as multiple users logged into the instant message system together through the multi-user computer as recited in claim 1. Moreover, Bethards fails to teach a multi-user computer whatsoever.

As such, Bethards fails to disclose, at least, “receiving first login information from a first user of *the multi-user computer* by an instant messaging system,” “receiving second login information from a second user of the *multi-user computer* by the instant messaging system *while the first user is logged in*” and “providing a shared use indication, wherein the shared use indication indicates a lack of privacy to the instant messaging device since the first user and the second user are concurrently logged into the instant message system together through the multi-user computer.” as recited in claim 1 since a subscription account is not a multi-user computer.

For at least the foregoing reasons, Bethards fails to disclose or suggest all the features of claim 1. Therefore, Applicant respectfully requests the Office to reconsider and withdraw the rejection of claim 1.

As amended, independent **claim 11** recites:

A computer-readable medium having computer usable instructions stored thereon for execution by a processor to perform a method for allowing instant messaging between a multi-user computer and an instant messaging device, comprising the steps of:

receiving first login information from a first user of *the multi-user computer* by an instant messaging system;  
receiving second login information from a second user of *the multi-user computer* by the instant messaging system *while the first user is logged in*; and

*providing a shared use indication, wherein the shared use indication indicates a lack of privacy to the instant messaging device since the first user and the second user are concurrently logged into the instant message system together through the multi-user computer.* (Emphasis added.)

Bethards describes a method and apparatus for providing status information associated with a plurality of users of real-time communication service using a plurality of logon identifiers associated with a first subscriber. (Abstract). Since a household (e.g. a family, roommates, etc.) with multiple users may share a single Internet subscription, (i.e., the multiple users may access real-time communication services as a single subscriber with all of the users identified as a single subscriber) the plurality of logon identifiers are capable of distinguishing a particular user from another using the same subscription. ([0004]). In other words, a household with multiple users may share a single subscriber account but each user may have a distinct logon identifier to access instant messaging service. ([0018]). However, multiple users sharing a single subscriber account is not the same as multiple users logged into the instant message system together through the multi-user computer as recited in claim 11. Moreover, Bethards fails to teach a multi-user computer whatsoever.

As such, Bethards fails to disclose, at least, “receiving first login information from a first user of *the multi-user computer* by an instant messaging system,” “receiving second login information from a second user of the *multi-user computer* by the instant messaging system *while the first user is logged in*” and “providing a shared use indication, wherein the shared use indication indicates a lack of privacy to the instant messaging device since the first user and the second user are concurrently logged into the instant message system together through the

multi-user computer” as recited in claim 11 since a subscription account is not a multi-user computer.

For at least the foregoing reasons, Bethards fails to disclose or suggest all the features of claim 11. Therefore, Applicant respectfully requests the Office to reconsider and withdraw the rejection of claim 11.

#### **§103(a) Rejections**

- Claims 2 and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bethards in view of Szeto
- Claims 3-10 and 12-19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bethards in view of Thomas

#### **Claims 2 and 20**

Dependent **claim 2** depends from claim 1 and therefore includes the limitations “receiving first login information from a first user of *the multi-user computer* by an instant messaging system,” “receiving second login information from a second user of the *multi-user computer* by the instant messaging system *while the first user is logged in*” and “providing a shared use indication, wherein the shared use indication indicates a lack of privacy to the instant messaging device since the first user and the second user are concurrently logged into the instant message system together through the multi-user computer” as recited in claim 1. As discussed above, Bethards fails to teach these elements. In addition, the Office acknowledges that Bethards fails to teach “the second user is a guest and the second login

information does not correspond to a specific instant message center and looks to Szeto to rectify this deficiency. (Office Action, pg. 5.) However, Szeto provide no assistance in light of Bethards as to claim 2. Szeto does not teach or suggest the elements of claim 1 and does not help. In fact, Szeto is limited to teaching a method for enabling a guest user who is not a registered user of an instant messaging system to communicate by instant messaging with a registered user of the system without requiring the guest user to download and install client side instant messaging application software and without requiring the guest user to register as a user of the instant messaging system. (Abstract).

Accordingly, a combination of Bethards in view of Szeto is improper. Applicant respectfully traverses the rejection and respectfully requests that the rejection be reconsidered and withdrawn.

Dependent **claim 20** depends from claim 11 and therefore includes the limitations “receiving first login information from a first user of *the multi-user computer* by an instant messaging system,” “receiving second login information from a second user of the *multi-user computer* by the instant messaging system *while the first user is logged in*” and “providing a shared use indication, wherein the shared use indication indicates a lack of privacy to the instant messaging device since the first user and the second user are concurrently logged into the instant message system together through the multi-user computer” as recited in claim 11. As discussed above, Bethards fails to teach these elements. In addition, the Office acknowledges that Bethards fails to teach “the second user is a guest and the second login information does not correspond to a specific instant message center and looks to Szeto to rectify this deficiency. (Office Action, pg. 5.) However, Szeto provide no assistance in light of

Bethards as to claim 20. Szeto does not teach or suggest the elements of claim 1 and does not help. In fact, Szeto is limited to teaching a method for enabling a guest user who is not a registered user of an instant messaging system to communicate by instant messaging with a registered user of the system without requiring the guest user to download and install client side instant messaging application software and without requiring the guest user to register as a user of the instant messaging system. (Abstract).

Accordingly, a combination of Bethards in view of Szeto is improper. Applicant respectfully traverses the rejection and respectfully requests that the rejection be reconsidered and withdrawn.

#### Claims 3-10

Dependent **claims 3-10** depend from claim 1 and therefore includes the limitations “receiving first login information from a first user of *the multi-user computer* by an instant messaging system,” “receiving second login information from a second user of the *multi-user computer* by the instant messaging system *while the first user is logged in*” and “providing a shared use indication, wherein the shared use indication indicates a lack of privacy to the instant messaging device since the first user and the second user are concurrently logged into the instant message system together through the multi-user computer” as recited in claim 1. As discussed above, Bethards fails to teach these elements.

In addition, the Office acknowledges that Bethards fails to teach: (1) providing a visual user interface to users of the multiuser computer concurrently with visual content from the multi-user computer (Claim 3, Office Action, pg. 5); (2) rendering an instant message from

the multi-user computer over a portion of a video display without a visible window surrounding the instant message (Claim 4, Office Action, pg. 6); (3) the instant message is rendered with a user discernible fade in and a user-discernible fade out (Claim 5, Office Action, pp. 6-7); (4) wherein the instant message is rendered over a marginal region of the video display (Claim 6, Office Action, pg. 7); wherein the instant message is rendered over a user-selectable portion of the video display (Claim 7, Office Action, pp. 7-8); providing a visual user interface to users of the multi-user computer concurrently with visual content from another source (Claim 8, Office Action, pg. 8); transmitting one of plural predefined instant messages from the multi-user computer (Claim 9, Office Action, pp. 8-9); and receiving from a wireless remote control device a user indication of the one of plural predefined instant messages transmitted from the multi-user computer (Claim 10, Office Action, pg. 9) and the Office looks to Thomas to rectify these deficiencies. However, Thomas provides no assistance in light of Bethards as to claims 3-10. In fact, Thomas is limited to teaching a television chat system allowing television viewers to engage in chat groups with other television viewers while watching television. (Abstract). Indeed, Thomas teaches a television chat system that allows a single user to join one or more chat groups for discussing a television show that it being shown to users who are registered in the chat group(s). ([0002]). As such, Thomas does not teach or suggest the elements of claim 1 and does not help.

Accordingly, a combination of Bethards in view of Thomas is improper. Applicant respectfully traverses the rejection and respectfully requests that the rejections with respect to claims 3-10 be reconsidered and withdrawn.

Claims 12-19

Dependent **claims 12-19** depend from claim 11 and therefore includes the limitations “receiving first login information from a first user of *the multi-user computer* by an instant messaging system,” “receiving second login information from a second user of the *multi-user computer* by the instant messaging system *while the first user is logged in*” and “providing a shared use indication, wherein the shared use indication indicates a lack of privacy to the instant messaging device since the first user and the second user are concurrently logged into the instant message system together through the multi-user computer” as recited in claim 11. As discussed above, Bethards fails to teach these elements.

In addition, the Office acknowledges that Bethards fails to teach: (1) providing a visual user interface to users of the multiuser computer concurrently with visual content from the multi-user computer (Claim 12, Office Action, pg. 5); (2) rendering an instant message from the multi-user computer over a portion of a video display without a visible window surrounding the instant message (Claim 13, Office Action, pg. 6); (3) the instant message is rendered with a user discernible fade in and a user-discernible fade out (Claim 14, Office Action, pp. 6-7); (4) wherein the instant message is rendered over a marginal region of the video display (Claim 15, Office Action, pg. 7); wherein the instant message is rendered over a user-selectable portion of the video display (Claim 16, Office Action, pp. 7-8); providing a visual user interface to users of the multi-user computer concurrently with visual content from another source (Claim 17, Office Action, pg. 8); transmitting one of plural predefined instant messages from the multi-user computer (Claim 18, Office Action, pp. 8-9); and receiving from a wireless remote control device a user indication of the one of plural predefined instant messages transmitted from the multi-

user computer (Claim 19, Office Action, pg. 9) and the Office looks to Thomas to rectify these deficiencies. However, Thomas provides no assistance in light of Bethards as to claims 12-19. In fact, Thomas is limited to teaching a television chat system allowing television viewers to engage in chat groups with other television viewers while watching television. (Abstract). Indeed, Thomas teaches a television chat system that allows a single user to join one or more chat groups for discussing a television show that it being shown to users who are registered in the chat group(s). ([0002]). As such, Thomas does not teach or suggest the elements of claim 11 and does not help.

Accordingly, a combination of Bethards in view of Thomas is improper. Applicant respectfully traverses the rejection and respectfully requests that the rejections with respect to claims 12-19 be reconsidered and withdrawn.

**Conclusion**

For at least the foregoing reasons, it is respectfully submitted that claims 1-20 are in condition for allowance and a Notice to that effect is earnestly solicited. However, if there are any remaining matters that may be handled by a telephone conference, the Examiner is kindly invited to contact the undersigned attorney at the telephone number listed below.

Respectfully Submitted,

Lee & Hayes, PLLC

Dated: June 19, 2009 By: /Don H. Min/  
David S. Lee  
Reg. No. 38222  
Don H. Min  
Reg No. 55933  
206-876-6002